

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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D.C. OFFICE OF ZONING

RECEIVED

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JLS*

DATE: February 29, 2008

SUBJECT: Preliminary Report on Zoning Commission Case Number 07-31, a Proposed Zoning Map Amendment to Bring a Square 416 Portion into Consistency with the 2006 Comprehensive Plan

PETITION

In November 20, 2007, Joseph E. Young et al, the applicants, filed a petition with the Office of Zoning requesting that the Zoning Commission rezone lots 24, 25, 26, 27, 821 and 822 on Square 416 from Residential (R-4) to Commercial-Light Industry (C-M-1) district or Community Business Center (C-2-B) with a Uptown Arts (ARTS) Overlay district, classifications more consistent with the 2006 District of Columbia Comprehensive Plan Generalized Land Use Map.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down the application for public hearing for a map amendment to the ARTS/C-2-B and advertise the C-2-A in the alternative. OP recommends that the CM-1 zone district not be set down for a public hearing.

BACKGROUND

Area Description

Lots 24, 25, 26, 27, 821 and 822 occupy approximately 3,420 square feet in the southwest corner of Square 419 at T Street intersection with 8th Street NW. These properties are developed with one-story commercial buildings fronting T Street. Five properties to the north along 8th Street are developed with two-story row dwellings. To the south across T Street are an elementary school and a parking lot servicing commercial businesses on Georgia Avenue. According to DC Land Records, in-between the subject properties and the CVS Pharmacy to the east is vacant Tax Lot 801.

The subject properties, row dwellings to the north, the vacant tax lot to the east, and surrounding properties to the south and west are in an R-4 district. The pharmacy property to the east, and vacant tract further north of the adjacent row dwellings (occupying three-quarters of the square), are in an ARTS/C-2-B district. All surrounding property also fall within the Greater U Street Historic District (please refer to Exhibit 1).

The entire Square is designated for mixed-use (low density commercial/moderate density residential) on the 2006 Comprehensive Plan Future Land Use map (refer to Exhibit 2).

The Request

The applicant's Statement indicates the subject properties were purchased based on the fact they are taxed at a commercial rate. Former Certificates of Occupancy included with this application also indicate the properties had been used for commercial purposes. Applicant inspections of the buildings revealed no kitchens, bath or shower facilities associated with residential use. However, no new non-residential uses are allowed in these buildings in an R-4 zone district.

The Comprehensive Plan designation anticipates a low density commercial use. As a result, the applicant filed for a zone change in order to be authorized to rehabilitate and lease said properties for their intended purposes.

Two issues are raised by the application:

- The plat associated with this application indicates there is a 10-foot wide alley between the subject properties, and the coincidental pharmacy property and ARTS/C-2-B zone boundaries to the east. DC Land Records, however, indicates this former alley is now the referenced Tax Lot 801. If this narrow area is a lot and not an alley, then rezoning the subject properties to allow commercial use would create an island surrounded by the residential R-4 district. Leaving a narrow residentially-zoned lot between commercially-zoned properties that are anticipated to remain commercial would also reduce that likelihood it would ever be developed for residential use.
- This request only includes half the lots in this quadrant of the square planned for mixed use under the Comprehensive Plan (refer to the Comprehensive Plan section below).

OP forward an inquiry to the Office of the DC Surveyor to verify the status of Tax Lot 801, and requested that the applicant discuss this proposal with the owners of the neighboring properties along 8th Street to determine if there is any interest in joining this petition.

It is OP's opinion that that the rezoning of this portion of the Square should be comprehensively considered. An update on these two issues will be presented during the set down presentation.

Existing Zoning

Properties south and east of U Street and Georgia Avenue fall under the following zone districts:

District	Predominant Use	Floor Area Ratio		Height
		Allowable Residential/ Max FAR	Allowable Non-Residential	
ARTS/C-2-B	Residential, mixed uses to a high-density	3.5	1.5	65 feet Unlimited stories
ARTS/C-2-A	Residential and mixed uses to a medium density	2.5	1.5	50 feet Unlimited stories
C-M-1	Warehousing, light manufacturing, office and automotive uses	Not allowed	3.0	40 feet, 3 stories
R-4	Row dwellings with apt. conversions	No maximum	Not allowed	40 feet, 3 stories

One-story buildings on the subject property appear to have always existed and functioned as commercial uses. However, the current R-4 zoning only allows moderate residential uses and institutional uses as a matter-of-right and by special exception. This zone is also inconsistent with mixture of low density commercial and moderate density residential uses contemplated on the Generalized Land Use of the 2006 Comprehensive Plan (refer to the Comprehensive Plan section below).

The applicant requested a zone change to either ARTS/C-2-B or C-M-1, however:

- the C-M-1 does not allow the residential uses prescribed in the Plan; and
- the ARTS/C-2-B district would allow high density development not proposed for this square.

The Office of Planning is recommending that C-2-A also be advertised in the alternative as a more appropriate zone in terms of use intensity, massing and transition to the western R-4 zoned neighborhood. C-2-A is similarly used along the U Street and Georgia Avenue corridors in small pockets between the higher density C-2-B and the R-4 zones.

The Zoning Regulations also state:

“720.3 The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.

720.4 The C-2-A district shall permit development to medium proportions.”

Although the regulations refer to “medium proportions”, allowable floor area ratios (FAR) of 1.5-2.5 are consistent with low-moderate density land use.

Comprehensive Plan

On the Generalized Policy Map, the subject properties are within the northern extent of the Neighborhood Enhancement Area corridor between 9th Street and Georgia Avenue NW. The guiding philosophy of these areas is to make sure new development “fits in” are responds to the existing character, natural features, and existing/planning infrastructure capacity. The specific future Generalized Land Use Map plan designation for most of Square 614 is for mixed-use consisting of moderate density residential and moderate density commercial land (refer to Exhibit 2). Corresponding zone districts are C-2-A, C-2-B and C-3-A.

The Plan also includes the following land use policies:

- Policy LU-2.1.2: Neighborhood Revitalization states, *“Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need [309.7]”*

- Policy LU-2.3.4: Transitional and Buffer Zone Districts, *"Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas ... should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character [311.6]."*

Rezoning the properties to C-2-A or C-2-B would support these policies by:

- Encouraging reuse of the existing underutilized low-intensity commercial buildings; and
- Allowing for future mixed-use development while limiting the potential density so that it would "step down" from the high density development along Georgia Avenue to the surrounding moderate-density residential neighborhoods.

Smart Growth Assessment

The proposed zone change would also support the following Smart Growth principles by:

- Mix of Land Uses: Further extending the potential for mixed land uses adjacent to the main corridors;
- Create Range of Housing Opportunities and Choices: Creating potential opportunities for mixed use development;
- Create Walkable Neighborhoods: Expanding the available shopping, service and employment opportunities;
- Strengthen and Direct Development Towards Existing Communities: Encouraging use of existing underutilized commercial buildings in an area already served by adequate infrastructure; and
- Make Development Decisions Predictable, Fair and Cost Effective: Increasing land use predictability by eliminating the nonconforming status of the existing buildings only suitable for commercial purposes.

CONCLUSION

Based on the above information, the Office of Planning recommends that the application be set down for public hearing for the ARTS/C-2-B, with the C-2-A advertised in the alternative; and that the C-M-1 district *not* be set down.

JS/afj

Attachments: Exhibit 1 View to the North (Aerial Map with Approximate Zoning)
Exhibit 2 Future Land Use and Zoning in Vicinity
Exhibit 3 Future Land Use of Zoning Map of U Street and Georgia Ave corridors



Zoning Commission Application No. 07-31
View to the North



*** Government of the
 District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ December 13, 2007

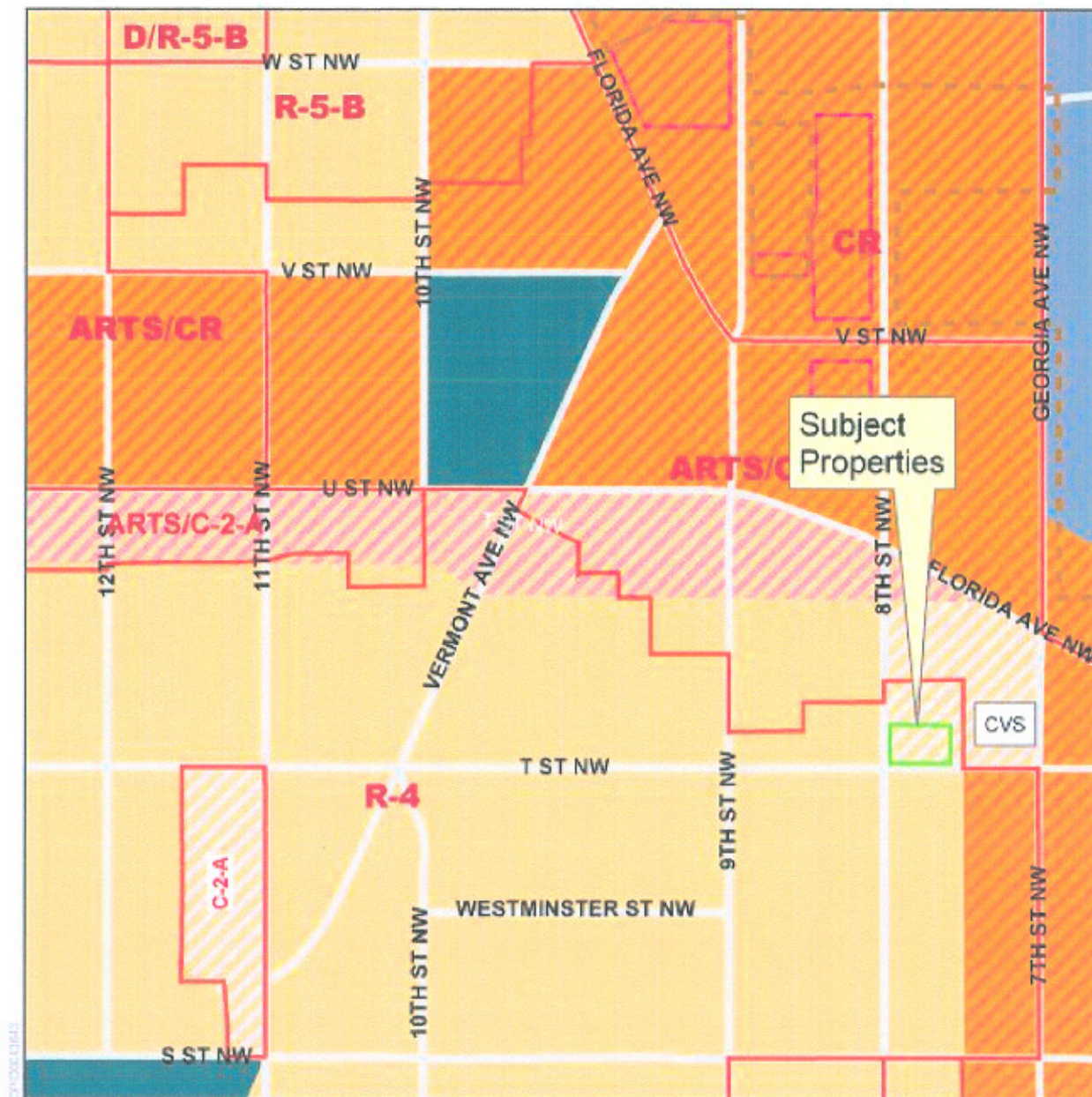
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LEGEND

Street Centerlines




Water

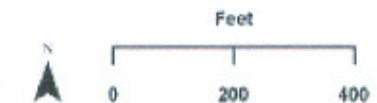
Parks



Zoning Commission
Application No. 07-31
Future Land Use and Zoning

LEGEND

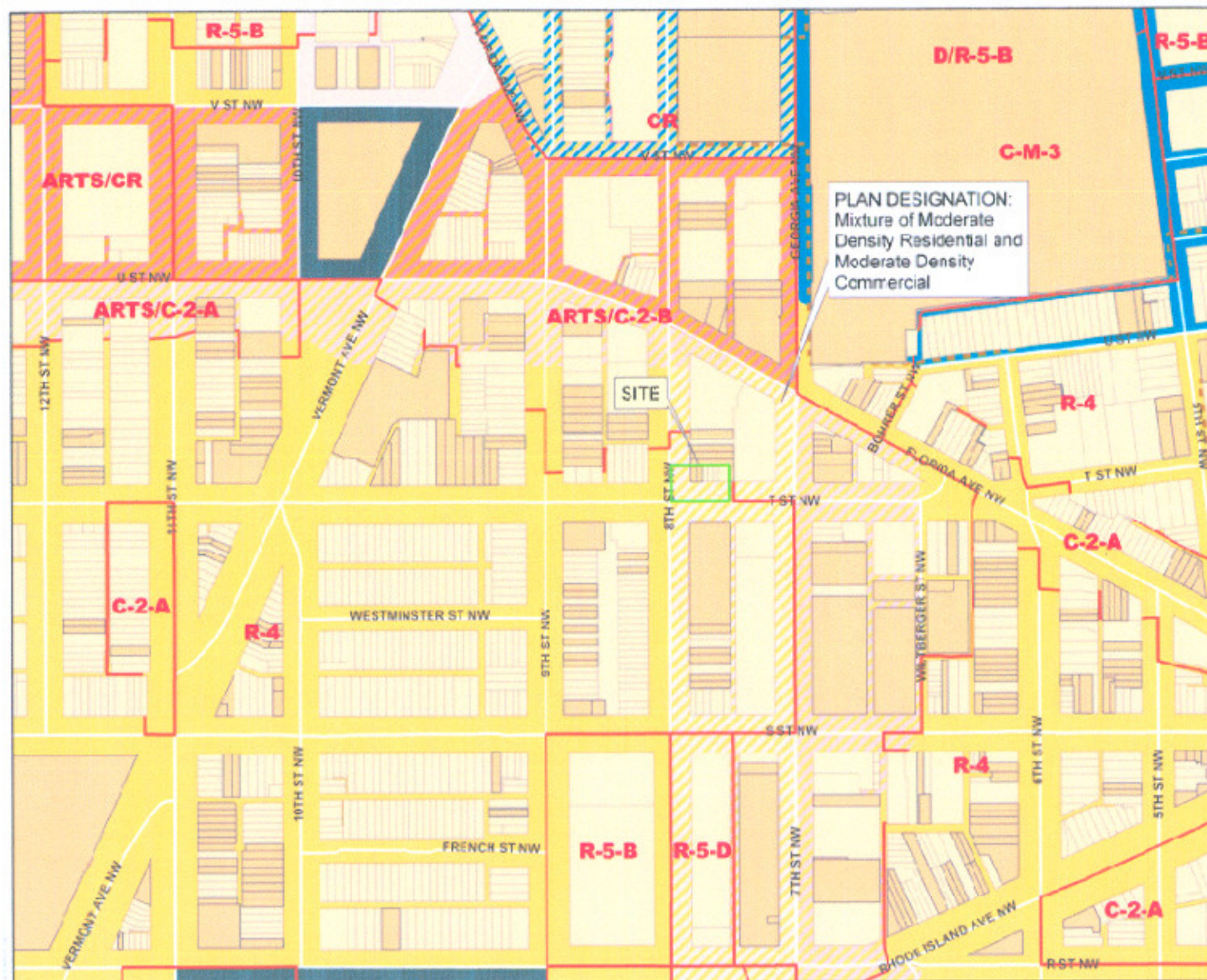
-  Street Centerlines
-  Water
-  Parks



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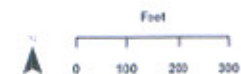
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**Zoning Commission
Application No. 07-31
Future Land Use and Zoning**

**U Street and Georgia Ave.
Corridors**



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Office of Planning - February 20, 2008

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